

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CLARA VARGAS,

Plaintiff,

Case Number 14-10493

Honorable David M. Lawson

Magistrate Judge R. Steven Whalen

v.

CITY OF NOVI, MACY'S, KELLY  
SERVICES, INFO TREE SERVICES,  
US ATTORNEY, LEE GAVIN, ATTORNEY  
GENERAL OF THE STATE OF MICHIGAN,  
NISSAN MOTOR COMPANY, INC. and  
UNITED STATES DEPARTMENT OF  
JUSTICE, WASHINGTON D.C.,

Defendants.

---

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE**

Presently before the Court is the report issued on May 20, 2015 by Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b), recommending that the Court dismiss the remaining defendants in this case because the plaintiff failed to timely serve them under Rule 4(m) of the Federal Rules of Civil Procedure: Macy's, Kelly Services, Info Tree Services, United States Attorney, Lee Gavin, Attorney General of the State of Michigan, Nissan Motor Company, Inc., and the United States Department of Justice. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report

releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation that the Court dismiss *sua sponte* the remaining defendants without prejudice [dkt. #117] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: June 9, 2015

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 9, 2015.

s/Susan Pinkowski  
SUSAN PINKOWSKI